

Testimony in Opposition to SJ-7
Before the Senate Judiciary Committee
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by
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SENATE JUDICIARY

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RE: SJ 7 (Convention of States Application); Montana's Application for a Federal Constitutional Convention under Article V; Sponsored by Senator Webb.

Chairman Sales, members of the Committee, for the record my name is Ed Regan, I live and work in Townsend Montana. I'm a lifelong republican and have been a member of the Broadwater Republican Central Committee for the last 25 years. Today I am testifying on my own behalf and do not claim to represent the central committee.

I stand before you in opposition to SJ 7, Montana's Application to congress requesting authorization to convene a **Convention of States** under Article V of the United States constitution, and I urge the Committee to consider exactly what's at stake if this measure is passed.

An Article V Constitutional Convention, also known as a Con-Con, and not much different than the **Convention of States being proposed here today**, is a dangerous and untested process for amending our constitution. The Convention method will threaten the basic structure and underpinnings of our Republic.

Instead of calling a Convention of States why not use the much safer time tested process by which the existing 27 amendments have already been added or rescinded. This we know how to do.

Proponents of a COS argue that their convention would only develop rules to govern a future Article V convention. While such a "write the rules" convention would not technically be an Article V convention, it would be very dangerous because it would consolidate and mobilize the power inherent in a free people whose right "to alter or abolish" the government is described in the Preamble of the Declaration of Independence, thus making such a convention superior to government and capable of rewriting the Constitution.

Proponents further contend that their Convention can be narrowly limited to rule writing. Personally, I don't believe all the special interests in America are going to sit on the sidelines, and would rather place my trust in more objective opinions. Over the past two centuries many of America's most astute legal minds have been warning us that Constitutional Conventions are sovereign bodies that control their own destiny.

Former Chief Justice Warren Burger stated: "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its

own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that a Convention would obey”.

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork**, stated: “It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has suggested the constitution is a nullity for that reason. Accordingly I do not see how a Convention could be limited to one topic once it has been called”. Judge Bork noted that our original constitutional convention was a “runaway” in a sense that the delegates exceeded their instructions from the Confederate Congress.

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody here today trust putting the fate of our constitution, including the 2nd Amendment, in the hands of today’s politicians and special interests??? I **HOPE NOT!**

Even **James Madison**, father of the constitution, warned in 1788 that a second convention ‘would no doubt contain individuals with insidious views seeking to alter the very foundation and fabric of the constitution’. (Letter to G.I. Tuberville 11/2/1788)

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Although the proponents believe that a **Conference of States** will solve the problems our country faces, I ask you to think about these questions; do we have a constitutional problem or do we have a problem adhering to the constitution?

The real solution to solving our nation’s problems can already be found in the constitution under Article 1-Section 8. This section lists the enumerated powers that congress already has. Adherence to these constitutional limitations by the congress would, in my opinion, restore the fiscal responsibility and individual liberty we all desire, thus negating the need for a possible runaway convention.

I urge this Committee to vote against the Resolution and avoid the uncharted waters of the COS. In closing I ask that the republican members of the committee refer back to the National Affairs plank from our Party’s Platform on page 29; and I quote, “We adamantly oppose any attempts, whether direct or indirect, to undermine the Constitution of the United States and its Amendments, including the Bill of Rights”.

Thank you for your consideration.

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